



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/606,313

06/26/2003

Satoru Wakao

00862.023113

3192

5514 7590 01/04/2007
FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

BESROUR, SAOUSSEN

ART UNIT

PAPER NUMBER

2131

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
--	-----------	---------------

3 MONTHS

01/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/606,313	Applicant(s) WAKAO, SATORU	
	Examiner Saoussen Besrou	Art Unit 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/2/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the communication filed 6/26/2003.
2. Claims 1-21 were received for consideration.
3. No preliminary amendments for the claims were filed. Currently claims 1-21 are under consideration.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 1-21** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 12 recites the limitation "the other apparatus" in 4. There is insufficient antecedent basis for this limitation in the claim.

Claims 1-21 recite the word "if" which renders the claim indefinite since "if" is a conditional statement. Examiner suggests replacing the word "if" with "when". Appropriate corrections are required.

Claims 1-21 are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be literal translation into English from a foreign document and are replete with grammatical errors.

The examiner will interpret the claims as best understood for applying the appropriate art for rejection purposes.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-11 and 12-21** are rejected under 35 U.S.C. 102(e) as being anticipated by Kondoh et al. (US 6,968,058).

As per **claim 1**, Kondoh et al. discloses: authenticating if image data generated by a self apparatus has not been altered, and a function of authenticating if image data generated by the other apparatus has not been altered (Column 4, Lines 46-59, filing management unit, external apparatus).

As per **claim 12**, Kondoh et al. discloses: a first mode of generating image data, and generating authentication data used to authenticate if the image data has not been altered, and a second mode of authenticating if the image data has not been altered, using the authentication data (Column 5, Lines 64-67).

As per **claim 2**, rejected as applied to claim 1. Furthermore, Kondoh et al. discloses: function of generating authentication data used to authenticate if image data

Art Unit: 2131

generated by the self apparatus has not been altered (Column 4, Lines 64-Column 5, lines 14).

As per **claims 3 and 13**, rejected as applied to claims 1 and 12. Furthermore, Kondoh et al. discloses: when authentication data used to authenticate if image data generated by the self apparatus has not been altered is generated, data unique to said imaging apparatus is used (Column 12, Lines 14-37 and Column 13, Lines 34-47).

As per **claims 4 and 14**, rejected as applied to claims 1 and 12. Furthermore, Kondoh et al. discloses: when authentication data used to authenticate if image data generated by the self apparatus has not been altered is generated, secret data held by said imaging apparatus is used (Column 4, Lines 30-36).

As per **claims 5 and 15**, rejected as applied to claims 1 and 12. Furthermore, Kondoh et al. discloses: when authentication data used to authenticate if image data generated by the self-apparatus has not been altered is generated, a hash function is used (Column 4, Lines 64-Column 5, Lines 4).

As per **claims 6 and 16**, rejected as applied to claims 1 and 12. Furthermore, Kondoh et al. discloses: when authentication data used to authenticate if image data generated by the self apparatus has not been altered is generated, an arithmetic operation based on a predetermined common key cipher system is made (Column 5, Lines 26-45).

As per **claims 7 and 17**, rejected as applied to claims 1 and 12. Furthermore, Kondoh et al. discloses: when it is authenticated if image data generated by the other

Art Unit: 2131

apparatus has not been altered, data unique to the other apparatus is used (Column 5, Lines 33-36).

As per **claims 8 and 18**, rejected as applied to claims 1 and 12. Furthermore, Kondoh et al. discloses: when it is authenticated if image data generated by the other apparatus has not been altered, secret data held by said imaging apparatus is used (Column 6, Lines 23-63).

As per **claims 9 and 19**, rejected as applied to claims 1 and 12. Furthermore, Kondoh et al. discloses: when it is authenticated if image data generated by the other apparatus has not been altered, a hash function is used (Column 6, Lines 23-63).

As per **claims 10 and 20**, rejected as applied to claims 1 and 12. Furthermore, Kondoh et al. discloses: when it is authenticated if image data generated by the other apparatus has not been altered, an arithmetic operation based on a predetermined common key cipher system is made (Column 6, Lines 23-63).

As per **claims 11 and 21**, rejected as applied to claims 1 and 12. Furthermore, Kondoh et al. discloses: one of a digital camera, digital video camera, and scanner (Column 4, Lines 46-47).

Conclusion


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saoussen Besrour whose telephone number is 571-272-6547. The examiner can normally be reached on M-F 8:30am to 5:00pm.

Art Unit: 2131

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SB
December 22, 2006


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100